

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ROBERT LEE SCHULER,

Case No. 1:21-cv-00550-SAB

Plaintiff.

**ORDER GRANTING MOTION FOR
AWARD OF ATTORNEY FEES
PURSUANT TO EAJA**

COMMISSIONER OF SOCIAL SECURITY,

(ECF No. 29)

Defendant.

Robert Lee Schuler (“Plaintiff”) filed the complaint in this action on March 31, 2021.

(ECF No. 1.) On January 10, 2023, the Court entered a stipulation for remand of this action, and on January 12, 2023, entered judgment in favor of Plaintiff. (ECF Nos. 26, 27, 28.) On April 12, 2023, Plaintiff filed a motion for the award of attorney fees in the amount of \$5,495.21, pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d) (“EAJA”). (ECF No. 29.)

Typically, the parties stipulate to the award of attorney fees under the EAJA. Here, fourteen (14) days have passed since the filing of the motion, and no opposition has been filed. Based on the Court's record and the lack of opposition to the filed motion, the Court finds good cause to grant the Plaintiff's motion.

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1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. Plaintiff's motion for attorney fees (ECF No. 29) is GRANTED;
- 3 2. Plaintiff is awarded attorney fees in the amount of \$5,495.21 pursuant to the
- 4 EAJA; and
- 5 3. The award is without prejudice to the rights of counsel to seek attorney fees under
- 6 42 U.S.C. § 406, subject to the offset provisions of the EAJA.

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8 IT IS SO ORDERED.

9 Dated: April 28, 2023


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UNITED STATES MAGISTRATE JUDGE